



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Rosemary Medel, Associate Planner *RM*
DATE: October 27, 2009

**SUBJECT: ZONING TEXT AMENDMENT NO. 09-006/LOCAL COASTAL PROGRAM
AMENDMENT NO. 09-003 (RELIGIOUS ASSEMBLY USES IN VISITOR
COMMERICAL DISTRICT)**

APPLICANT: City of Huntington Beach

LOCATION: Properties with a Visitor Commercial (CV) Designation

STATEMENT OF ISSUE:

- ♦ Zoning Text Amendment No. 09-006 request:
 - Amend Chapter 211 Commercial Districts, Section 211.04 Land Use Control to allow Religious Assembly in the Visitor Commercial Zoning District (CV) subject to a conditional use permit.
- ♦ Local Coastal Program Amendment No. 09-003 request:
 - Amend Local Coastal Program in accordance with the proposed Zoning Text Amendment.
- ♦ Staff's Recommendation:
Approve Zoning Text Amendment No. 09-006/Local Coastal Program Amendment No. 09-003 based upon the following:
 - Amendment will comply with the Religious Land Use and Institutional Persons Act by allowing Religious Assembly uses in the same zone as other assembly uses.

RECOMMENDATION:

Motion to:

- A. "Approve Zoning Text Amendment No. 09-006 with findings for approval (Attachment No. 1) and forward Draft Ordinance (Attachment No. 3) to the City Council for adoption."
- B. "Approve Local Coastal Program Amendment No. 09-003 with findings for approval (Attachment No. 2) and forward Draft Resolution (Attachment No. 5) to the City Council for adoption."

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Continue Zoning Text Amendment No. 09-006 and Local Coastal Program Amendment No. 09-003 and direct staff accordingly.”
- B. “Deny Zoning Text Amendment No. 09-006 and Local Coastal Program Amendment No. 09-003 with findings for denial.”

PROJECT PROPOSAL:

Zoning Text Amendment No. 09-006 represents a request to amend Chapter 211 (Commercial Districts) of the Huntington Beach Zoning and Subdivision Ordinance. Zoning Text Amendment No. 09-006 would implement changes to allow religious assembly uses in the Visitor Commercial Zoning District. The legislative draft is provided in Attachment No. 4.

Local Coastal Program Amendment No. 09-003 represents a request to incorporate the changes reflected in Zoning Text Amendment No. 09-006. The City’s Local Coastal Program consists of two parts: the Coastal Element and the Implementing Ordinances. The Implementing Ordinances include the Zoning and Subdivision Ordinance. Any changes to the Implementing Ordinances must be forwarded to the Coastal Commission as a Local Coastal Program Amendment (LCPA). LCPAs are deemed minor or major. Minor LCPAs do not directly affect property in the coastal zone or intensify standards but major LCPAs do. Because assembly uses are already permitted in the CV District in the Coastal Zone, LCPA No.09-003 will be processed as a minor amendment (Attachment No. 5).

The City is initiating this request because an application was received for the establishment of a church in the Visitor Commercial District, specifically in the Peter’s Landing development. The applicant for that project, which is being processed separately, has indicated that because the City allows other assembly uses in the CV district it needs to allow for religious assembly.

Background:

In 2000, the 106th Congress enacted the Religious Land Use and Institutionalized Persons Act (RLUIPA). The primary purpose of the Act is to ensure a person’s right to free exercise of religion. The RLUIPA states “no government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a non-religious assembly.” In other words, any regulation that allows theaters, schools or similar assembly uses in a zone, but not churches or temples, would be in violation of RLUIPA.

Since the enactment of RLUIPA, the City of Huntington Beach has processed several zoning text amendments in compliance with this law. In 2002, the City of Huntington Beach approved a zoning text amendment to comply with RLUIPA for the Ellis-Goldenwest Specific Plan area. In 2005 a Zoning Text Amendment was initiated by the City as a pro-active measure to amend various sections of the HBZSO.

ISSUES:

Subject Property And Surrounding Land Use, Zoning And General Plan Designations:

There are three areas of the City having the Visitor Commercial District (CV) designation. The largest location is Peter's Landing along Pacific Coast Highway. The other locations are at the northeast corner of Beach Boulevard and Pacific Coast Highway (PCH) and PCH and Newland (Attachment No. 6).

Location	Peter's Landing			Beach/PCH			PCH/Newland		
	General Plan (GP)	Zoning	Land Use	GP	Zoning	Land Use	GP	Zoning	Land Use
Subject Property:	CV-F2-d	CV-CZ	Shopping Center	CV	CV-CZ	Vacant	CV	CV-CZ	Vacant
North of Subject Property:	RM-15, OS-W	OS-PR (Q) RM, RH	Multi-family, Harbor	OS-C	CC	Vacant	RM-15	RMP	Vacant
East of Subject Property:	RM-15	RM	Multi-family	CV	CC	Vacant	Public	IG	Vacant
South of Subject Property:	Sunset Beach (County of Orange)	Sunset Beach	Commercial	OS-S	OS-S	Beach (across PCH)	OS-S	OS-S	Beach (across PCH)
West of Subject Property:	RH-30, RM-15	Sunset Beach	Commercial, Residential	CV-F7-sp	SP-5	Hotel (across Beach Blvd)	CV	CC	Vacant

General Plan Conformance:

The proposed project is consistent with the goals, objectives and policies of the City's General Plan and Local Coastal Program as follows:

A. Land Use Element

Goal LU 7: Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.

Goal LU 13: Achieve the development of a mix of governmental service, institutional, educational, and religious uses that support the needs of Huntington Beach's residents.

Policy LU 13.1.2: Allow for the continuation of existing and development of new religious facilities in any land use zone where they are compatible with adjacent uses and subject to the City review and approval.

Permitting Religious Assembly in the Visitor Commercial zoning designation furthers the diversity of allowed land uses and contributes to services that could be available for visitors as well as Huntington Beach residents.

B. Coastal Element

Policy C. 1.2.1: Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule Table C-1.

The inclusion of religious assembly uses in the Visitor Commercial Zone adds to and can accommodate existing assembly facilities and new development in the Coastal Zone.

Zoning Compliance: Not Applicable

Urban Design Guidelines Conformance: Not Applicable

Environmental Status:

The proposed ZTA No. 09-006 and Local Program Amendment No. 09-003 is categorically exempt pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act.

Coastal Status:

The proposed request includes Local Coastal Program Amendment No. 09-003 that will be forwarded to the California Coastal Commission as a minor Local Coastal Program Amendment. Typically minor amendments to the Huntington Beach Zoning and Subdivision Ordinance are bundled with other minor amendments processed during a given one to two year period and submitted to the California Coastal Commission for certification. This minor amendment is being submitted separately to the Coastal Commission in an effort to expedite its approval. The City Council resolution is attached as an informational item (Attachment No. 5).

Coastal Commission staff was contacted to solicit their opinion regarding Religious Assembly uses in the CV zone. Staff stated that religious assembly uses would not be consistent with the CV classification in the City land use plan (Coastal Element).

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Other Departments' Concerns and Requirements:

The proposed amendments to the City's existing ordinance were prepared with input and assistance from City Staff representing the City Attorney's Office and Planning Department.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on October 15, 2009, and notices were sent to property owners and tenants of the properties with a Visitor Commercial designation and individuals/organizations requesting notification (Planning Department's Notification Matrix), as well as other interested parties. As of October 16, 2009 no communication supporting or opposing the request has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

September 8, 2009

MANDATORY PROCESSING DATE(S):

Legislative Action – Not Applicable

ANALYSIS:

Zoning Text Amendment No. 09-006 is a City initiated amendment to permit Religious Assembly uses within the Visitor Commercial District (CV) upon approval of a conditional use permit. The analysis below considers consistency with the City's General Plan and Local Coastal Program and land use compatibility.

Consistency with General Plan and Local Coastal Program

The City's General Plan and Local Coastal Program define the Commercial Visitor Land Use category as one that permits "hotels/motels, restaurants, recreation-related retail sales, cultural uses (e.g. museums) and similar uses oriented to coastal and other visitors to the City." The allowance of "Religious Assembly" uses in the CV category is consistent with the existing General Plan Land Use and Coastal Element language, which states "similar uses oriented to coastal and other visitors."

The Huntington Beach Zoning and Subdivision Ordinance (HBZSO), the City's Local Coastal Program (LCP) Implementation Program, states that the CV district is intended to provide opportunities for visitor-oriented commercial activities "including specialty and beach related retail-shops, restaurants, hotels, motels, theaters, museums, and related services." Within this district, it allows Commercial Recreation and Entertainment uses that include theaters, performing arts theaters, sports stadiums and arenas, game centers and dance halls, all permitted with a discretionary permit. Museums is another assembly use permitted in the CV district with a conditional use permit to the Planning Commission, and is categorized as a Cultural Institution in the HBZSO. As mentioned, the assembly category as defined by RLUIPA, includes movie theaters, museums and similar assembly uses.

Land Use Compatibility

Staff believes that the inclusion of religious assembly would not result in any different land use issues than other permitted assembly uses requiring a discretionary permit. Additionally, from a land use perspective assembly uses are analyzed for sufficient parking and operational needs as well as the impact of the use on surrounding properties. Therefore, because religious assembly is subject to the same analysis and regulations as other assembly uses, would increase the diversity of services available to residents and visitors, and would not necessarily conflict or impede public access and public recreation in the Coastal Zone, staff can support the inclusion of this use in the CV category.

Survey of Coastal Cities

The Planning Department conducted a survey of other California Coastal cities to understand how or if Religious Assembly uses are permitted in their respective Coastal Overlay Zones. The majority allow Religious Assembly with a Conditional Use Permit. Three cities do not list Religious Assembly as a permitted land use (Attachment No. 7). The majority of those cities surveyed agree that Religious Assembly is a compatible use and a similar assembly use that meets the enforcement criteria of RLUIPA.

Staff recommends that the Planning Commission approve Zoning Text Amendment No. 09-006 and Local Coastal Program Amendment No. 09-003 with findings for approval and forward the item to City Council for adoption. The proposed amendment to Chapter 211 Commercial Districts of the Huntington Beach Zoning and Subdivision Ordinance reflect compliance with the Religious Land Use and Institutionalized Persons Act.

ATTACHMENTS:

1. Suggested Findings of Approval-ZTA No. 09-006
2. Suggested Findings of Approval-LCPA No. 09-003
3. Draft Ordinance
4. Legislative Draft Chapter 211
5. Draft Resolution-Local Coastal Program Amendment
6. Commercial Visitor Zone - Location Map
7. Survey of Coastal Cities

SH:MBB:RM:lw

ATTACHMENT NO. 1

SUGGESTED FINDINGS OF APPROVAL

ZONING TEXT AMENDMENT NO. 09-006

SUGGESTED FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 09-006

1. Zoning Text Amendment No. 09-006 amending Chapter 211 Commercial Districts of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to allow Religious Assembly in the Visitor Commercial Zoning District (CV) is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan that already permit assembly uses in the CV district in the City of Huntington Beach.
2. In the case of a general land use provision, the zoning text amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed because other assembly uses are permitted in the same zone and adding religious assembly would comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA).
3. A community need is demonstrated for the change proposed because the inclusion of religious assembly in the Visitor Commercial district serves visitors and residents in the coastal areas by providing a place of religious worship and a visitor serving use.
4. The adoption of this ordinance will be in conformity with public convenience, general welfare and good zoning practice. The zoning text amendment would allow for consideration of a religious assembly use in the Visitor Commercial district, which increases the diversity of services available to residents and visitors.

ATTACHMENT NO. 2

SUGGESTED FINDINGS OF APPROVAL

LOCAL COASTAL PROGRAM AMENDMENT NO. 09-003

SUGGESTED FINDINGS FOR APPROVAL-LOCAL COASTAL PROGRAM AMENDMENT NO. 09-003:

1. Local Coastal Program Amendment No. 09-003 is a minor amendment to the City's Local Coastal Program to allow Religious Assembly in the Visitor Commercial Zoning District (CV) and is consistent with the goals, objectives, policies, general land uses and programs specified in the Local Coastal Program that already permit assembly uses in the CV district in the City of Huntington Beach.
2. Local Coastal Program Amendment No. 09-003 is in accordance with the policies, standards and provisions of the California Coastal Act because other assembly uses are already permitted in this district and the Federal Law states that no government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with non-religious assembly.
3. The amendment conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. Religious assembly is a use similar to the allowed assembly uses such as museums, movie theaters, and other Commercial and Recreation uses in the Visitor Commercial District as defined by Religious Land Use and Institutionalized Persons Act and would not necessarily conflict with or impede public access and public recreation in the Coastal Zone.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 211 OF THE HUNTINGTON BEACH
ZONING AND SUBDIVISION ORDINANCE TITLED
COMMERCIAL DISTRICTS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

211.04 CO, CG, and CV Districts: Land Use Controls

In the following schedules, letter designations are used as follows:

"P" designates use classifications permitted in commercial districts.

"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" that follow.

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

"TU" designates use classifications allowed upon approval of a temporary use permit.

"P/U" for an accessory use means that the use is permitted on the site of a permitted use, but requires a conditional use permit on the site of a conditional use.

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the Zoning Ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

CO, CG, and CV Districts Land Use Controls	P	=	Permitted
	L	=	Limited (see <u>Additional Provisions</u>)
	PC	=	Conditional use permit approved by Planning Commission
	ZA	=	Conditional use permit approved by Zoning Administrator
	TU	=	Temporary Use Permit
	P/U	=	Requires conditional use permit on site of conditional use
	-	=	Not Permitted

ATTACHMENT NO. 3.1

	CO	CG	CV	Additional Provisions
Residential				(J)(Q)(R)(V) (3334-6/97)
Group Residential	PC	PC	PC	(3334-6/97)
Multifamily Residential	-	-	PC	(3334-6/97)
Public and Semipublic				(J)(Q)(R)(V) (3334-6/97, 3553-5/02)
Clubs and Lodges	P	P	-	(3334-6/97, 3707-6/05)
Community and Human Services				
Drug Abuse Centers	-	PC	-	
Primary Health Care	L11	L11	-	(3522-2/02)
Emergency Kitchens	-	L-2	-	
Emergency Shelters	-	L-2	-	
Residential Alcohol Recovery, General	-	PC	-	
Residential Care, General	ZA	ZA	-	(3707-06/05)
Convalescent Facilities	ZA	ZA	-	(3707-06/05)
Cultural Institutions	PC	PC	PC	
Day Care, General	L-3	L-3	-	(3707-06/05)
Day Care, Large-Family	P	P	-	(Y) (3522-2/02)
Emergency Health Care	L-2	L-2	-	(3334-6/97)
Government Offices	P	P	PC	(3334-6/97)
Heliports	PC	PC	PC	(B)
Hospitals	PC	PC	-	(3334-6/97)
Park & Recreation Facilities	L-9	L-9	L-9	
Public Safety Facilities	PC	PC	PC	
Religious Assembly	ZA	ZA	PC	(3522-2/02) (3522-2/02)
Schools, Public or Private	PC	PC	-	
Utilities, Major	PC	PC	PC	
Utilities, Minor	P	P	P	(L)

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	CO	CG	CV	Additional Provisions
Commercial Uses				(J)(Q)(R) (3341-0/96)
Ambulance Services	-	ZA	-	
Animal Sales & Services				
Animal Boarding	-	ZA	-	(3522-2/02)
Animal Grooming	-	P	-	
Animal Hospitals	-	ZA	-	(3522-2/02)
Animals: Retail Sales	-	P	-	
Equestrian Centers (CG Zone)	-	PC	-	(S) (3707-6/05)
Pet Cemetery	-	PC	-	
Artists' Studios	P	P	P	
Banks and Savings & Loans	P	P	P	
With Drive-Up Service	P	P	P	(3522-2/02)
Building Materials and Services	-	P	-	
Catering Services	P	P	P	
Commercial Filming	P	P	P	(F)
Commercial Recreation and Entertainment	-	PC	PC	(D)
Communication Facilities	L-13	L-13	L-13	(3568-9/02)
Eating and Drinking Estab.	L-4	L-4	L-4	(3522-2/02, 3707-6/05)
W/Alcohol	ZA	ZA	ZA	(N)(Y) (3522-2/02)
W/Drive Through	-	P	P	(3522-2/02, 3707-6/05)
W/Live Entertainment	ZA	ZA	ZA	(W)(Y) (3522-2/02)
W/Dancing	PC	PC	PC	(H)
W/Outdoor Dining	ZA	ZA	ZA	(X)(Y) (3522-2/02)
Food & Beverage Sales	-	P	L-2	
W/Alcoholic Beverage Sales	-	ZA	ZA	(N)
Funeral & Internment Services	-	ZA	-	
Laboratories	L-1	L-1	-	
Maintenance & Repair Services	-	P	-	
Marine Sales and Services	-	P	P	
Nurseries	-	ZA	-	
Offices, Business & Professional	P	P	P	(3334-6/97)
Pawn Shops	-	ZA	-	
Personal Enrichment Services	L-10	L-10	-	(Y) (3522-2/02)
Personal Services	P	P	P	
Research & Development Services	L-1	ZA	-	
Retail Sales	-	P	P	(U)(V) (3285-6/95, 3334-6/97, 3482-12/00)
Secondhand Appliances/Clothing	-	P	-	
Swap Meets, Indoor/Flea Markets	-	PC	-	(T)
Swap Meets, Recurring	-	ZA	-	
Tattoo Establishments	-	PC	-	
Travel Services	P	P	P	

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	-	=	Not Permitted

	CO	CG	CV	Additional Provisions	
Vehicle Equipment/Sales & Services					
Automobile Rentals	-	L-8	L-8	L-12	
Automobile Washing	-	ZA	-		(3707-6/05)
Commercial Parking	-	ZA	ZA	(P)	(3707-6/05)
Service Stations	-	PC	PC	(E)	
Vehicle Equip. Repair	-	L-5	-		
Vehicle Equip. Sales & Rentals	ZA	ZA	-	L-12	(3522-2/02)
Vehicle Storage	-	ZA	-		(3707-6/05)
Visitor Accommodations					
Bed & Breakfast Inns	PC	PC	PC	(K)	(3707-6/05, 3774-9/07 subject to approval by the CA Coastal Commission)
Hotels, Motels	-	PC	PC	(I)	(3334-6/97, 3707-6/05, 3774-9/07 - subject to approval by the CA Coastal Commission)
Condominium – Hotel	-	-	PC	(Z)	(3774-9/07, 3707-9/07 subject to approval by the CA Coastal Commission)
Fractional Ownership Hotel					(3774-9/07 - subject to approval by the CA Coastal Commission)
Quasi Residential					
Timeshares	-	PC	-	(I)(J)	(3334-6/97 (3334-6/97, 3774-9/07 subject to approval by the CA Coastal Commission))
Residential Hotel	-	PC	-	(J)	(3334-6/97, 3774-9/07 subject to approval by the CA Coastal Commission))
Single Room Occupancy	-	PC	-		(3774-9/07, 3774-9/07 subject to approval by the CA Coastal Commission))
Industrial				(J)(Q)(R)(V)	
Industry, Custom	-	L-6	L-6		(3334-6/97)
Accessory Uses				(J)(V)	(3334-6/97)

ATTACHMENT NO. 3.4

Accessory Uses & Structures	P/U	P/U	P/U		
Temporary Uses				(F)(J)(V)	(3334-6/97)
Animal Shows	-	TU	-		
Circus and Carnivals and Festivals	-	TU	-		(3522-2/02)
Commercial Filming, Limited	-	P	P	(M)	
Real Estate Sales	P	P	P		(3522-2/02, 3707-6/05)
Retail Sales, Outdoor	-	TU	TU	(M)	(3522-2/02)
Seasonal Sales	TU	TU	TU	(M)	(3522-2/02)
Tent Event	-	P	-		(3522-2/02, 3707-6/05)
Trade Fairs	-	P	-		(3707-6/05)
Nonconforming Uses				(G)(J)(V)	(3334-6/97)

(Rest of page not used)

SECTION 2. All other provisions of Chapter 211 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2009.

Mayor

ATTEST:

City Clerk

City Attorney

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

City Administrator

Director of Planning

ATTACHMENT NO. 3.5

LEGISLATIVE DRAFT
(2009)

Chapter 211 C Commercial Districts

(3285-6/95, 3341-10/96, 3334-6/97, 3482-12/00, 3522-2/02, 3553-5/02, 3568-9/02, 3707-6/05, 3774-9/07)

(Note: Ordinance No. 3774-9/07 is subject to approval by the California Coastal Commission)

Sections:

211.02	Commercial Districts Established
211.04	CO, CG, and CV Districts: Land Use Controls
211.06	CO, CG and CV Districts: Development Standards
211.08	Review of Plans

211.02 Commercial Districts Established

The purpose of the Commercial districts is to implement the General Plan and Local Coastal Program commercial land use designations. Three (3) commercial zoning districts are established by this chapter as follows: (3334-6/97)

- A. The CO Office Commercial District provides sites for offices for administrative, financial, professional, medical and business needs.
- B. The CG General Commercial District provides opportunities for the full range of retail and service businesses deemed suitable for location in Huntington Beach.
- C. The CV Visitor Commercial District implements the Visitor Serving Commercial land use designation within the coastal zone and provides uses of specific benefit to coastal visitors. More specifically, the CV district provides opportunities for visitor-oriented commercial activities, including specialty and beach related retail shops, restaurants, hotels, motels, theaters, museums, and related services. (3334-6/97)

211.04 CO, CG, and CV Districts: Land Use Controls

In the following schedules, letter designations are used as follows:

"P" designates use classifications permitted in commercial districts.

"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" that follow.

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

"TU" designates use classifications allowed upon approval of a temporary use permit.

ATTACHMENT NO. 4.1

"P/U" for an accessory use means that the use is permitted on the site of a permitted use, but requires a conditional use permit on the site of a conditional use.

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the Zoning Ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

	P	=	Permitted				
CO, CG, and CV Districts Land Use Controls	L	=	Limited (see <u>Additional Provisions</u>)				
	PC	=	Conditional use permit approved by Planning Commission				
	ZA	=	Conditional use permit approved by Zoning Administrator				
	TU	=	Temporary Use Permit				
	P/U	=	Requires conditional use permit on site of conditional use				
	-	=	Not Permitted				

	CO	CG	CV	Additional Provisions
Residential				(J)(Q)(R)(V) (3334-6/97)
Group Residential	PC	PC	PC	(3334-6/97)
Multifamily Residential	-	-	PC	(3334-6/97)
Public and Semipublic				(J)(Q)(R)(V) (3334-6/97, 3553-5/02)
Clubs and Lodges	P	P	-	(3334-6/97, 3707-6/05)
Community and Human Services				
Drug Abuse Centers	-	PC	-	
Primary Health Care	L11	L11	-	(3522-2/02)
Emergency Kitchens	-	L-2	-	
Emergency Shelters	-	L-2	-	
Residential Alcohol Recovery, General	-	PC	-	
Residential Care, General	ZA	ZA	-	(3707-06/05)
Convalescent Facilities	ZA	ZA	-	(3707-06/05)
Cultural Institutions	PC	PC	PC	
Day Care, General	L-3	L-3	-	(3707-06/05)
Day Care, Large-Family	P	P	-	(Y) (3522-2/02)
Emergency Health Care	L-2	L-2	-	(3334-6/97)
Government Offices	P	P	PC	(3334-6/97)
Heliports	PC	PC	PC	(B)
Hospitals	PC	PC	-	(3334-6/97)
Park & Recreation Facilities	L-9	L-9	L-9	
Public Safety Facilities	PC	PC	PC	
Religious Assembly	ZA	ZA	PC	(3522-2/02) (3522-2/02)
Schools, Public or Private	PC	PC	-	
Utilities, Major	PC	PC	PC	
Utilities, Minor	P	P	P	(L)

ATTACHMENT NO. 4.2

	P	=	Permitted
CO, CG, and CV Districts Land Use Controls	L	=	Limited (see <u>Additional Provisions</u>)
	PC	=	Conditional use permit approved by Planning Commission
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	TU	=	Temporary Use Permit
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	CO	CG	CV	Additional Provisions
Commercial Uses				(J)(Q)(R) (3341-0/96)
Ambulance Services	-	ZA	-	
Animal Sales & Services				
Animal Boarding	-	ZA	-	(3522-2/02)
Animal Grooming	-	P	-	
Animal Hospitals	-	ZA	-	(3522-2/02)
Animals: Retail Sales	-	P	-	
Equestrian Centers (CG Zone)	-	PC	-	(S) (3707-6/05)
Pet Cemetery	-	PC	-	
Artists' Studios	P	P	P	
Banks and Savings & Loans	P	P	P	
With Drive-Up Service	P	P	P	(3522-2/02)
Building Materials and Services	-	P	-	
Catering Services	P	P	P	
Commercial Filming	P	P	P	(F)
Commercial Recreation and Entertainment	-	PC	PC	(D)
Communication Facilities	L-13	L-13	L-13	(3568-9/02)
Eating and Drinking Estab.	L-4	L-4	L-4	(3522-2/02, 3707-6/05)
W/Alcohol	ZA	ZA	ZA	(N)(Y) (3522-2/02)
W/Drive Through	-	P	P	(3522-2/02, 3707-6/05)
W/Live Entertainment	ZA	ZA	ZA	(W)(Y) (3522-2/02)
W/Dancing	PC	PC	PC	(H)
W/Outdoor Dining	ZA	ZA	ZA	(X)(Y) (3522-2/02)
Food & Beverage Sales	-	P	L-2	
W/Alcoholic Beverage Sales	-	ZA	ZA	(N)
Funeral & Internment Services	-	ZA	-	
Laboratories	L-1	L-1	-	
Maintenance & Repair Services	-	P	-	
Marine Sales and Services	-	P	P	
Nurseries	-	ZA	-	
Offices, Business & Professional	P	P	P	(3334-6/97)
Pawn Shops	-	ZA	-	
Personal Enrichment Services	L-10	L-10	-	(Y) (3522-2/02)
Personal Services	P	P	P	
Research & Development Services	L-1	ZA	-	
Retail Sales	-	P	P	(U)(V) (3285-6/95, 3334-6/97, 3482-12/00)
Secondhand Appliances/Clothing	-	P	-	
Swap Meets, Indoor/Flea Markets	-	PC	-	(T)
Swap Meets, Recurring	-	ZA	-	
Tattoo Establishments	-	PC	-	
Travel Services	P	P	P	

ATTACHMENT NO. 4.3

CO, CG, and CV Districts Land Use Controls	P	=	Permitted
	L	=	Limited (see <u>Additional Provisions</u>)
	PC	=	Conditional use permit approved by Planning Commission
	ZA	=	Conditional use permit approved by Zoning Administrator
	TU	=	Temporary Use Permit
	P/U	=	Requires conditional use permit on site of conditional use
	-	=	Not Permitted

	CO	CG	CV	Additional Provisions
Vehicle Equipment/Sales & Services				
Automobile Rentals	-	L-8	L-8	L-12
Automobile Washing	-	ZA	-	(3707-6/05)
Commercial Parking	-	ZA	ZA	(P) (3707-6/05)
Service Stations	-	PC	PC	(E)
Vehicle Equip. Repair	-	L-5	-	
Vehicle Equip. Sales & Rentals	ZA	ZA	-	L-12 (3522-2/02)
Vehicle Storage	-	ZA	-	(3707-6/05)
Visitor Accommodations				
Bed & Breakfast Inns	PC	PC	PC	(K) (3707-6/05, 3774-9/07 subject to approval by the CA Coastal Commission)
Hotels, Motels	-	PC	PC	(I) (3334-6/97, 3707-6/05, 3774-9/07 - subject to approval by the CA Coastal Commission)
Condominium – Hotel	-	-	PC	(Z) (3774-9/07, 3707-9/07 subject to approval by the CA Coastal Commission)
Fractional Ownership Hotel				(3774-9/07 - subject to approval by the CA Coastal Commission)
Quasi Residential				
Timeshares	-	PC	-	(I)(J) (3334-6/97, 3774-9/07 subject to approval by the CA Coastal Commission))
Residential Hotel	-	PC	-	(J) (3334-6/97, 3774-9/07 subject to approval by the CA Coastal Commission))
Single Room Occupancy	-	PC	-	(3774-9/07, 3774-9/07 subject to approval by the CA Coastal Commission))
Industrial				
Industry, Custom	-	L-6	L-6	(J)(Q)(R)(V) (3334-6/97)
Accessory Uses				
Accessory Uses & Structures	P/U	P/U	P/U	(J)(V) (3334-6/97)

Temporary Uses

(F)(J)(V) (3334-6/97)
ATTACHMENT NO. 4.4
Page 4 of 13

Animal Shows	-	TU	-		
Circus and Carnivals and Festivals	-	TU	-		(3522-2/02)
Commercial Filming, Limited	-	P	P	(M)	
Real Estate Sales	P	P	P		(3522-2/02, 3707-6/05)
Retail Sales, Outdoor	-	TU	TU	(M)	(3522-2/02)
Seasonal Sales	TU	TU	TU	(M)	(3522-2/02)
Tent Event	-	P	-		(3522-2/02, 3707-6/05)
Trade Fairs	-	P	-		(3707-6/05)
Nonconforming Uses				(G)(J)(V)	(3334-6/97)

(Rest of page not used)

ATTACHMENT NO. 4.5

CO, CG, and CV Districts: Additional Provisions

- L-1 Permitted if the space is 5,000 square feet or less; allowed with Neighborhood Notification pursuant to Chapter 241 if the laboratory space exceeds 5,000 square feet. (3707-6/05)
- L-2 Allowed with a conditional use permit from the Zoning Administrator if the space is 5,000 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 5,000 square feet. (3707-6/05)
- L-3 Allowed with a conditional use permit from the Zoning Administrator if the space is 2,500 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 2,500 square feet. (3334-6/97, 3707-6/05))
- L-4 Permitted if greater than 300 feet from residential zone or use; if 300 feet or less from residential zone or use neighborhood notification is required pursuant to Chapter 241. (3522-2/02, 3707-6/05)
- L-5 Only "limited" facilities are allowed subject to approval of a conditional use permit from the Zoning Administrator, and body and fender shops are permitted only as part of a comprehensive automobile-service complex operated by a new vehicle dealer.
- L-6 Only "small-scale" facilities, as described in Use Classifications, are permitted with a maximum 7 persons employed full time in processing or treating retail products, limited to those sold on the premises. (3522-2/02)
- L-7 Repealed. (3707-6/05)
- L-8 On-site storage limited to two rental cars or two cars for lease. (3707-6/05)
- L-9 Public facilities permitted, but a conditional use permit from the Zoning Administrator is required for commercial facilities.
- L-10 Permitted if the space is 5,000 square feet or less; allowed with conditional use permit approval from the Zoning Administrator if space exceeds 5,000 square feet. (3522-2/02, 3707-6/05)

In addition, Personal Enrichment uses within a retail building parked at a ratio of one (1) space per 200 square feet, shall require no additional parking provided the use complies with the following: (3522-2/02)

- Maximum number of persons per classroom does not exceed the number of parking spaces allocated to the suite based upon the square footage of the building; and (3522-2/02)
- The instruction area does not exceed 75 percent of total floor area of the personal enrichment building area. (3522-2/02)

- L-11 Permitted if the space is 5,000 square feet or less; allowed with a conditional use permit from the Zoning Administrator if the space exceeds 5,000 square feet. (3522-2/02, 3707-6/05)

ATTACHMENT NO. 4.6

- L-12 Permitted for existing facilities proposing to expand up to 20% of existing floor area or display area. (3522-2/02, 3707-6/05)
- L-13 For wireless communication facilities see Section 230.96 Wireless Communication Facilities. All other communication facilities permitted. (3568-9/02)
- (A) Reserved. (3553-5/02)
- (B) See Section 230.40: Helicopter Takeoff and Landing Areas.
- (C) Repealed (3378-2/98)
- (D) See Section 230.38: Game Centers; Chapter 5.28: Dance Halls; Chapter 9.24: Card Rooms; Chapter 9.32: Poolrooms and Billiards; and Chapter 9.28: Pinball Machines.
- (E) See Section 230.32: Service Stations.
- (F) See Section 241.20: Temporary Use Permits
- (G) See Chapter 236: Nonconforming Uses and Structures.
- (H) For teen dancing facilities, bicycle racks or a special bicycle parking area shall be provided. These may not obstruct either the public sidewalk or the building entry. See also Chapter 5.28: Dancing Halls; Chapter 5.44: Restaurants - Amusement and Entertainment Premises, and Chapter 5.70: Adult Entertainment Businesses. (3341-10/96)
- (I) Only permitted on a major arterial street, and a passive or active outdoor recreational amenity shall be provided. (3707-6/05)
- (J) In the CV District the entire ground floor area and at least one-third of the total floor area shall be devoted to visitor-oriented uses as described in the certified Local Coastal Program Land Use Plan. Any use other than visitor serving commercial shall be located above the ground level, and a conditional use permit from the Planning Commission or the Zoning Administrator is required. Any use other than visitor serving commercial uses shall only be permitted if visitor serving uses are either provided prior to the other use or assured by deed restriction as part of the development. No office or residential uses shall be permitted in any visitor serving designation seaward of Pacific Coast Highway. (3334-6/97, 3707-6/05)
- (K) See Section 230.42: Bed and Breakfast Inns.
- (L) See Section 230.44: Recycling Operations.
- (M) Subject to approval by the Police Department, Public Works Department, Fire Department and the Director. See also Section 230.86 Seasonal Sales.
- (N) The following businesses proposing to sell alcoholic beverages for on-site or off-site consumption are exempt from the conditional use permit process:

ATTACHMENT NO. 4.7

- (1) Retail markets with no more than 10 percent of the floor area devoted to sales, display, and storage of alcoholic beverages provided the sale of alcoholic beverages is not in conjunction with the sale of gasoline or other motor vehicle fuel. (3522-2/02)
- (2) Restaurants, Bars-and Liquor stores located 300 feet or more from any R or PS district, public or private school, church, or public use. (3522-2/02)
- (3) Florist shops offering the sale of a bottle of an alcoholic beverage together with a floral arrangement.
- (O) See Section 230.46: Single Room Occupancy.
- (P) See Chapter 231 for temporary and seasonal parking.
- (Q) Development of vacant land or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic). (3522-2/02)
- (R) Projects within 500 feet of a PS District see Chapter 244.
- (S) See Section 230.48: Equestrian Centers
- (T) See Section 230.50: Indoor Swap Meets/Flea Markets
- (U) See Section 230.94: Carts and Kiosks (3248-6/95, 3334-6/97, 3482-12/00)
- (V) In the coastal zone, the preferred retail sales uses are those identified in the Visitor Serving Commercial land use designation which provide opportunities for visitor-oriented commercial activities including specialty and beach related retail shops, restaurants, hotels, motels, theaters, museums, and related services.
- (W) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit. (3522-2/02)
- (X) Outdoor dining with alcohol sales shall be permitted with a conditional use permit to the Zoning Administrator. Outdoor dining without alcohol sales that is 400 square feet or less shall be permitted without a conditional use permit. If over 400 square feet with no alcohol sales, Neighborhood Notification shall be required pursuant to Chapter 241. (3522-2/02, 3707-6/05)
- (Y) Neighborhood Notification requirements pursuant to Chapter 241. (3522-2/02, 3707-6/05)
- (Z) In the CV District, Condominium-Hotels and/or Fractional Interest Hotels are allowed only at the Pacific City (Downtown Specific Plan District 7) and Waterfront (Downtown Specific Plan District 9) sites. Refer to Downtown Specific Plan. (3774-9/07 subject to approval by the CA Coastal Commission)

The following schedule prescribes development standards for the CO, CG and CV districts. The first three columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the "Additional Requirements" column refer to standards following the schedule or located elsewhere in the zoning ordinance. In calculating the maximum gross floor area as defined in Chapter 203, the floor area ratio is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number. All required setbacks shall be measured from ultimate right-of-way and in accordance with definitions set forth in Chapter 203, Definitions.

(Rest of page not used)

ATTACHMENT NO. 4.9

**CO, CG and CV DISTRICTS
DEVELOPMENT STANDARDS**

	CO	CG	CV	Additional Requirements
Residential Development				(A)(B)
Nonresidential Development				(B)
Minimum Lot Area (sq. ft.)	10,000	10,000	10,000	(C)
Minimum Lot Width (ft.)	100	100	100	
Minimum Setbacks				
Front (ft.)	10	10	0	(D)(E)(O) (3707-6/05)
Side (ft.)	5	0	0	(F) (3707-6/05)
Street Side (ft.)	10	10	0	(E) (3707-6/05)
Rear (ft.)	5	0	0	(F) (3707-6/05)
Maximum Height of Structures (ft.)	40	50	50	(F)(G)
Maximum Wall Dimensions				(N)
Maximum Floor Area Ratio (FAR)	1.0	1.5	1.5	
Minimum Site Landscaping (%)	8	8	8	(H)(I)
Building Design Standards				(O)
Fences and Walls				(J)(K)
Off-Street Parking/Loading				(L)
Outdoor Facilities	See Section 230.74			(M) (3707-6/05)
Screening of Mechanical Equipment	See Section 230.76			(M)
Refuse Storage Areas	See Section 230.78			
Underground Utilities	See Chapter 17.64			
Performance Standards	See Section 230.82			
Nonconforming Structures	See Chapter 236			
Signs	See Chapter 233			

CO, CG, and CV Districts: Additional Development Standards

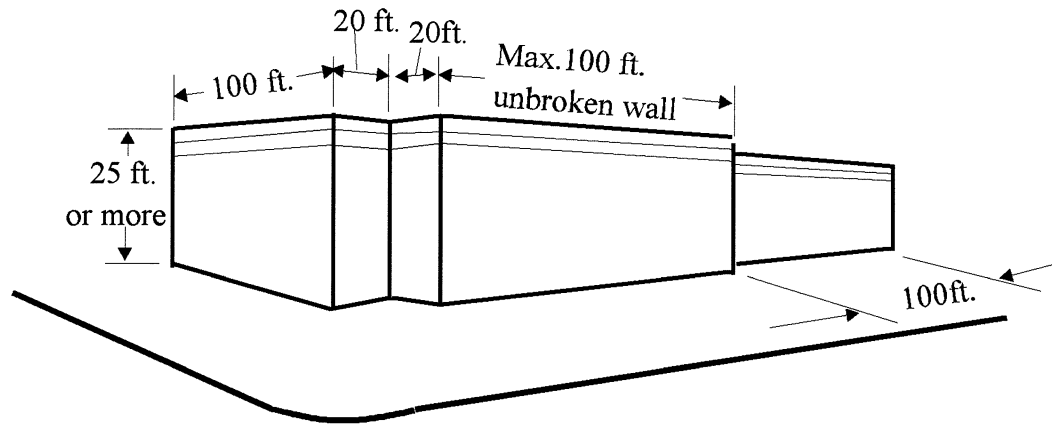
- (A) Dwelling units shall be subject to the standards for minimum setbacks, height limits, maximum density, open space, balconies and bay windows, and parking for the RMH District. The setback standards shall apply only to the stories of a building that are intended for residential use.
- (B) See Section 230.62: Building Site Required and Section 230.64: Development on Substandard Lots.
- (C) The minimum site area for a hotel or motel is 20,000 square feet.
- (D) See Section 230.68: Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage.
- (E) A minimum 50-foot setback is required along Beach Boulevard, Pacific Coast Highway and Edinger Avenue or 25-foot setback with the setback area entirely landscaped.

ATTACHMENT NO. 4.10

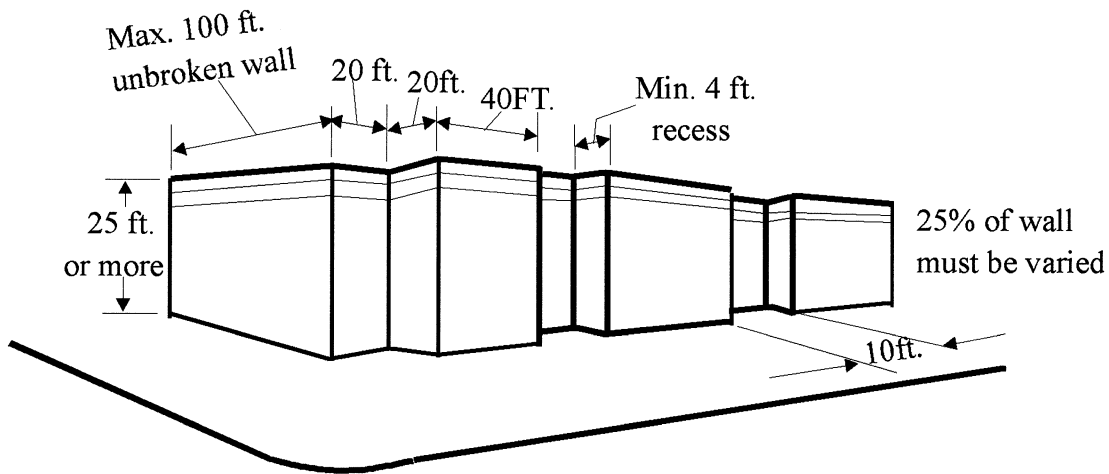
- (F) Along a side or rear property line abutting an R district, a 10-foot setback is required, and structures within 45 feet of the district boundary shall not exceed 18 feet in height.
- (G) See Section 230.70: Measurement of Height and Section 230.72: Exceptions to Height Limits.
- (H) Planting Areas:
 - (1) Required front and street side yards shall be planting areas except properties with 50 foot setback shall provide a minimum 10 foot wide planting area along street frontages.
 - (2) Required side and rear yards shall be planting areas or shall be enclosed by a solid concrete or masonry wall at least 6 feet in height.
 - (3) Hotels and Motels. A 15-foot wide landscaped strip shall be provided along all street frontages, except for necessary driveways and walks.
- (I) See Chapter 232: Landscape Improvements.
- (J) See Section 230.88: Fencing and Yards.
- (K) A solid masonry or concrete wall at least 6 feet in height shall adjoin the site of an existing ground-floor residential use. However, where the portion of the site within 10 feet of the front property line is occupied by planting area or by a building having no openings except openings opposite a street property line, the Director may grant an exception to this requirement. A wall within 15 feet of a street property line shall not exceed 3.5 feet in height.
- (L) See Chapter 231: Off-Street Parking and Loading.
- (M) See Section 230.44: Recycling Operations and Section 230.80: Antennae.
- (N) A front or street side wall surface shall be no longer than 100 feet without a break, a recess or offset measuring at least 20 feet in depth and one-quarter of the building length, or a series of offsets, projections or recesses at intervals of not more than 40 feet that vary the depth of the building wall by a minimum of 4 feet. The Director may grant exceptions or allow these standards to be modified for exceptional or unique structures subject to Design Review, Chapter 244.

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ATTACHMENT NO. 4.11



Single Horizontal Offsets: 20ft.



Variable Offsets: 20 ft. and 4 ft.

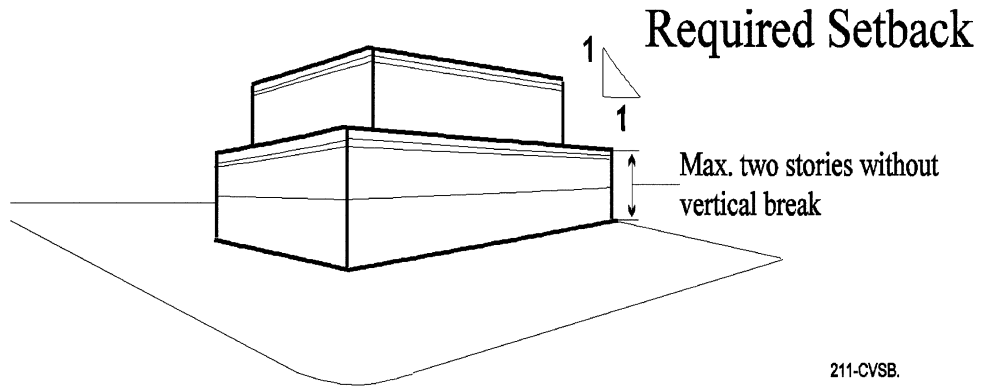
211-OFFS

MAXIMUM WALL LENGTH AND REQUIRED BREAK

- (O) Two building design standards are established to make commercial areas more attractive and provide a unified streetscape:
 - (1) In the CV District a 10-foot minimum upper-story setback is required above the second story along street frontages. (3707-6/05)

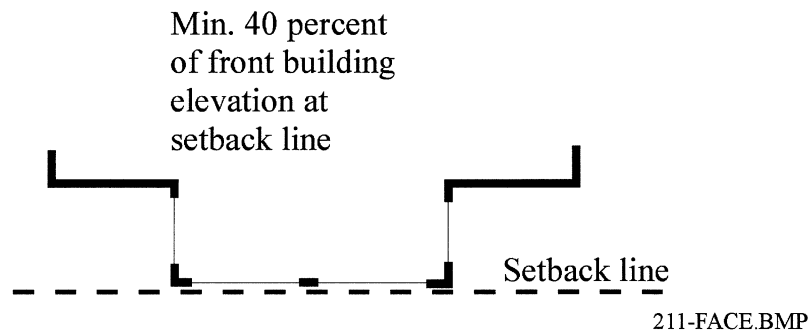
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ATTACHMENT NO. 4.12



CV DISTRICT: UPPER-STORY SETBACK

- (2) In the CO and CV Districts, and on frontages adjacent to major or primary arterials in the CG District at least 40 percent of a building surface may be located at the minimum setback line if additional landscaping is provided on the site.



BUILDING FACE AT SETBACK LINE

211.08 Review of Plans

All applications for new construction, initial establishment of use, exterior alterations and additions shall be submitted to the Planning Department for review. Discretionary review shall be required as follows: (3522-2/02)

- A. Zoning Administrator Review. Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots; see Chapter 241.
- B. Design Review Board. Projects within redevelopment project areas and areas subject to specific plans; projects within 500 feet of a PS District; see Chapter 244.
- C. Planning Commission. Projects requiring a conditional use permit from the Planning Commission; see Chapter 241.
- D. Projects in the Coastal Zone. A Coastal Development Permit is required unless the project is exempt; see Chapter 245.

ATTACHMENT NO. 4.13

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HUNTINGTON BEACH ADOPTING LOCAL COASTAL PROGRAM
AMENDMENT NO. 09-003 AND REQUESTING ITS CERTIFICATION BY THE
CALIFORNIA COASTAL COMMISSION**

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Section 30503 and 30510, the Planning Commission of the City of Huntington Beach held a public hearing to consider the adoption of the Huntington Beach Local Coastal Program Amendment No. 09-003, and such amendment was recommended to the City Council for adoption; and

The City Council, after giving notice as prescribed by law, held at least one public meeting regarding the proposed Huntington Beach Local Coastal Program Amendment No. 09-003; and

The City Council finds that the proposed amendment is consistent with the Certified Huntington Beach Local Coastal Program and Chapter 6 of the California Coastal Act; and

The City Council of the City of Huntington Beach intends to implement the Local Coastal Program in a manner fully consistent with the California Coastal Act,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

SECTION 1. That the Huntington Beach Local Coastal Program Amendment No. 09-003 is hereby approved, consisting of an ordinance pertaining to Zoning Text Amendment (ZTA) described below:

<u>Ordinance</u>	<u>Subject</u>	<u>Description</u>
No. _____	ZTA No. 09-006	Visitor Commercial District

A copy of the aforesaid ordinance is attached hereto as **Exhibit A**, and is incorporated by this reference as though fully set forth herein.

SECTION 2. That the California Coastal Commission is hereby required to consider, approve and certify Huntington Beach Local Coastal Program Amendment No. 09- 003

SECTION 3. That pursuant to Section 13551 (b) of the Coastal Commission Regulations, Huntington Beach Local Coastal Program Amendment No. 09-003 will take effect automatically upon Coastal Commission approval, as provided in Public Resources Code Sections 30512, 30513, and 30519.

ATTACHMENT NO. 5.1

PASSED, APPROVED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held on the sixteenth day of November 2009, by the following roll call vote:

ATTEST:

City Clerk

Mayor

REVIEWED AND APPROVED:

APPROVED AS TO FORM;

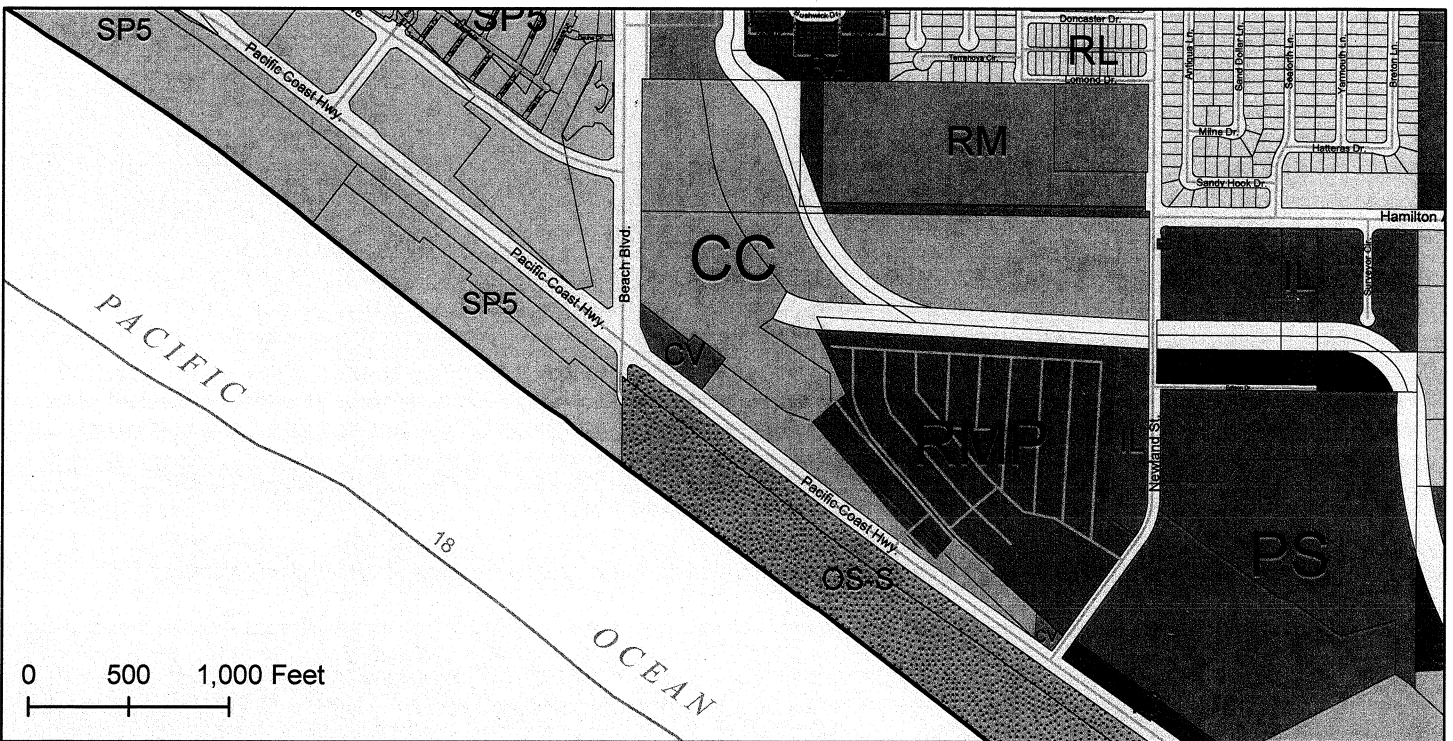
City Administrator


















City Attorney

INITIATED AND APPROVED

Director of Planning

ATTACHMENT NO. 5.2

[illegible]

Commercial		Residential		Open Space	
	Commercial Visitor		Residential Low Density		Parks and Recreation Subdistrict
	Commercial General		Residential Medium Density		Shoreline Subdistrict
Industrial			Residential Medium High Density		Water Recreation Subdistrict
	Industrial General		Manufactured Home Park	Miscellaneous	
	Industrial Limited		Residential Agriculture		Specific Plan Designations
Conservation		Public			Qualified Classification
	Coastal Conservation		Public-Semipublic		Right of Ways, Bridges, Channels

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ATTACHMENT NO. 6

SURVEY OF COASTAL CITIES

	California Coastal Cities	Religious Assembly Uses - Coastal Zones or Districts	Assembly Uses - Coastal Zones/Districts (Commercial – Cultural, Recreation, Entertainment Uses)
1	San Diego	Permitted/CUP/Coastal Dev. req if in Coastal Overlay Zone	Permitted/CUP/Coastal Dev req. if in Coastal Overlay Zone
2	Oceanside	Prohibited	Permitted/CUP
3	Dana Point	Prohibited -Not Considered a Visitor Serving Use	Permitted/CUP
4	Newport Beach	Prohibited	Permitted/CUP
5	Huntington Beach	Prohibited	Permitted/CUP (Theaters, etc)
6	Long Beach	Permitted/CUP	Permitted/CUP
7.	Hermosa Beach	Permitted/CUP	Permitted/CUP
8	Ventura	Permitted/CUP	Permitted/CUP
9	Santa Barbra	Permitted/CUP	Permitted/CUP
10	Santa Cruz	Permitted with CUP	Permitted
11	San Francisco	Permitted w/o CUP	Permitted w/o CUP